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6 **IN THE UNITED STATES DISTRICT COURT**
7 **FOR THE DISTRICT OF ARIZONA**
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9 Sara Do,

10 Plaintiff,

11 v.

12 Arizona State University, *et al.*,

13 Defendants.
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No. CV-22-00190-PHX-JJT

ORDER

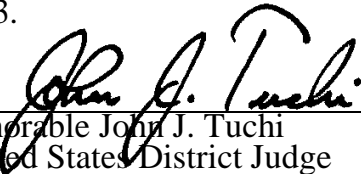
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16 At issue is the parties' Joint Summary of Discovery Dispute. (Doc. 80.) Having
17 reviewed the parties' filing, the Court finds it unnecessary to hold a conference on the
18 dispute.

19 The parties inform the Court that Plaintiff is attempting to conduct discovery on a
20 claim not in the First Amended Complaint (Doc. 13, FAC), namely, that Defendants
21 engaged in discrete acts constituting a failure to accommodate Plaintiff's disability when
22 she returned to Defendants' college of nursing in 2023. The FAC only alleges a failure to
23 accommodate Plaintiff when she was in the nursing program in 2021. "A complaint guides
24 the parties' discovery, putting the defendant on notice of the evidence it needs to adduce
25 in order to defend against the plaintiff's allegations." *Pena v. Taylor Farms Pac., Inc.*, 2014
26 WL 1330754, at *4 (E.D. Cal. Mar. 28, 2014). Plaintiff has failed to put the parties or the
27 Court on notice that she intends to bring claims on separate, discrete acts she alleges
28 constitute a failure to accommodate in 2023. Plaintiff must seek leave of the Court to amend

1 the FAC to allege such new claims, demonstrating that she meets the requirements to
2 amend a pleading at this stage of the litigation under Federal Rules of Civil Procedure 15
3 and 16. In the meantime, she may not conduct discovery on the claims not brought in the
4 FAC.

5 **IT IS THEREFORE ORDERED** that, as resolution of the parties' discovery
6 dispute (Doc. 80), Plaintiff may not seek discovery on the acts she claims constitute a
7 failure to accommodate Plaintiff's disability when she returned to Defendants' college of
8 nursing in 2023. If Plaintiff wishes to bring a claim based on those acts, she must seek
9 leave of Court to amend the First Amended Complaint, demonstrating she meets the
10 requirements of Federal Rules of Civil Procedure 15 and 16.

11 Dated this 5th day of October, 2023.

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13 Honorable John J. Tuchi
14 United States District Judge
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